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JOHN M. PELKEY  
ADMITTED IN D.C. AND VA

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AUG - 7 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

August 7, 1997

OUR FILE NO.  
1600-101-63

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

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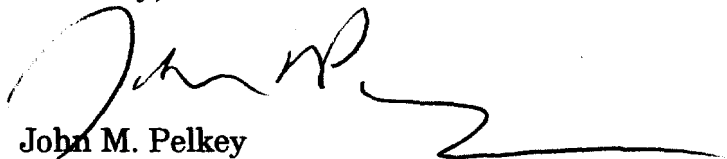
Re: Amendment of Section 73.202(b)  
Olney, Texas and Archer City, Texas

Dear Mr. Caton:

Transmitted herewith on behalf of Texas Grace Communications are an original and four copies of a Petition for Rulemaking.

No filing fee need accompany this Petition. If there are any questions concerning this matter, please contact this office directly.

Sincerely,

  
John M. Pelkey

JMP/ned

Enclosures: (5)

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RECEIVED

AUG - 7 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	] File No.	
	]	
Table of Allotments	]	
FM Broadcast Stations	]	
Olney, Texas and Archer City, Texas	]	

To: Chief, Allocations Branch

**Petition for Rulemaking**

HALEY BADER & POTTS P.L.C.  
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4350 North Fairfax Drive  
Arlington, VA 22203-1633

703/841-0606

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## Summary

Texas Grace Communications, permittee of KRZB, Olney, Texas, is hereby requesting that the Commission institute a rulemaking to amend the Table of FM Allotments in the following manner:

- Reallocation of Channel 248C2 from Olney, Texas, to Archer City, Texas;
- Allocation of Channel 270C2 to Olney, Texas.

Texas Grace is also requesting that the KRZB authorization be modified to specify Archer City, Texas, as the station's community of license.

This proposal, if adopted, would provide Archer City, Texas, which has a compelling need for radio service, with its first local service. It would also allow Olney, Texas, to retain local service. In addition, the proposal would provide additional reception service to at least 134,100 persons. The proposal thus results in a superior arrangement of allotments and should be adopted by the Commission. Texas Grace commits herein to apply for the requested allotments and, upon grant of such applications, to construct the requested facilities promptly.

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	File No.
	)	
Table of Allotments	)	
FM Broadcast Stations	)	
Olney, Texas and Archer City, Texas	)	

To: Chief, Allocations Branch

## Petition for Rulemaking

Texas Grace Communications, ("Texas Grace"), through counsel, hereby respectfully requests the Commission to institute a rulemaking to amend Section 73.202(b) of the Commission's rules, the Table of FM Allotments, in the following manner:

- Reallocation of Channel 248C2 from Olney, Texas, to Archer City, Texas;
- Allocation of Channel 270C2 to Olney, Texas.

Texas Grace further requests that the construction permit of KRZB be modified to specify Archer City, Texas, as the station's community of license. In support of this proposal, Texas Grace states as follows.

Texas Grace is the permittee of KRZB, Olney, Texas. KRZB, which has not yet been constructed, is presently designated to operate on Channel 248C2 in Olney. However, Texas Grace has determined that Archer City, Texas, has an overwhelming need for the provision of a first

aural service – a need that can be fulfilled *without* depriving Olney of its local transmission service.

Both Archer City, in Archer County, Texas, and Olney, in Young County, Texas, merit a local service, and Texas Grace will fully accommodate their respective needs for such service through this rulemaking. Texas Grace's proposal does not present a situation pitting one community against the other, or calling for any assessment of which community is more deserving of local transmission service. Rather, Texas Grace proposes a scenario guaranteeing local service to *both* communities.

I. Archer City, the County Seat of Archer County, Has an Overwhelming, Compelling Need For Its Own Local Transmission Service.

- Archer City, Texas, is an incorporated city of 1,748 persons, according to the 1990 U.S. census. It has its own independent mayor and city council form of government, in addition to its own post office and zip code (76351).
- Archer City is a vibrant, growing community, with population estimates for 1995<sup>1</sup> indicating that the population of Archer City had increased to 1,808 persons over the five year period between 1990 and

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<sup>1</sup> The 1995 population estimate was provided in the Archer City, Texas, 1996 Community Profile.

1995, representing a growth of approximately 3%.

In 1997, the Texas Department of Transportation<sup>2</sup> lists Archer City as having a current population of 1,878 persons, demonstrating even further growth.

- Archer City is the centrally-located County Seat, as well as the commercial and cultural hub, of Archer County, Texas. The 1990 census placed Archer County's population at 7,973 persons, with 1995 estimates indicating that Archer County had grown to 8,053 persons<sup>3</sup>.
- Its County Seat status is especially noteworthy, in light of the fact that there is no local radio transmission service originating from ANY community within Archer County - - a county which, as will be detailed later, is separate and distinct from any urbanized area.
- Archer City provides for the educational needs of residents through its own Archer City Independent School District.

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<sup>2</sup> Texas Department of Transportation, Texas State Travel Guide (1997 edition).

<sup>3</sup> The 1995 population estimate was provided in the Archer City, Texas, 1996 *Community Profile*.



- Archer City maintains its own police department, fire department, municipal water supply, and sewer department, and jointly operates its public library with Archer County.
- Archer City is a culturally-strong community, presently involved in a major renovation of its famous Royal Theater. The Royal Theater is noted for inspiring, and appearing on-screen in, the acclaimed film "The Last Picture Show".
- Archer City is home to the "Picture Show Players", a locally-based theater group; hosts an on-going presentation called "Songwriters in the Round", which attracts songwriters from around the country; and serves as home base for noted American novelist Larry McMurtry – who coordinates a Young Writer's Workshop out of Archer City for gifted high school students.
- Archer City is also a city of great historical significance, synonymous with the outlaw Jesse James (who had family in Archer City and was a frequent visitor), and has endeavored to preserve its

historical resources for the education and enjoyment of the public. These resources include the Archer City Museum, featuring Jesse James memorabilia, the restored jail and gallows from Jesse James' day, as well as rare dinosaur artifacts.

- In addition, Archer City has constructed a "Veterans' Bricks" commemoration to local veterans, along with its own Veterans Memorial Wall.
- Archer City is also home to the Archer Rodeo Association, which hosts a major regional rodeo each year based in Archer City, as well as to the Harmony Boy's Home, a regional facility for the rehabilitation of abused boys.
- Archer City's economic development is fostered by the Archer City Chamber of Commerce. The Chamber states that over 90 business are currently located within Archer City.

Given its attributes as a thriving independent community and as the County Seat and commercial/cultural center for Archer County - - a county, lacking any originating aural service - - Archer City is extremely deserving of its first local service.

II. Archer City Cannot Presently Rely on Radio as a Means For Calling Attention to Its Vital Community Events and Concerns.

Carlitta King, who is Secretary of the Archer City Chamber of Commerce, states that there has been great difficulty obtaining radio station interest in, and publicity for, Archer City's prime community events, such as this year's Archer City Mayfest, Rodeo, and Songwriters in the Round programs.

This is not surprising since, as already noted, there is no radio station allocated to any community within the whole of Archer County. The out-of-county radio outlets are obviously focused on activities closer to home, within the confines of the communities they serve in their own counties, as opposed to catering to the needs of Archer City.

Ms. King believes this problem would be remedied by the institution of a first local service in Archer City. Her interest in the possibility of a channel being allocated to Archer City even prompted her to embrace the possibility of such service in a recent newspaper column she writes for the *Archer County News* (the weekly newspaper based in Archer City). In her article, Ms. King characterized potential local radio service as being "a great asset to Archer City."<sup>4</sup> In fact, Ms. King went so far as to ask her readers to "say a prayer" for Texas Grace's success in obtaining approval to provide such local service.

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<sup>4</sup> The article appeared in the July 3, 1997 edition of the *Archer County News*. A copy of the article is attached.

Texas Grace can make a valuable contribution to the efforts of the Chamber by providing the much-needed radio publicity and involvement in Archer City's community activities and concerns that have previously been ignored by out-of-county radio outlets. It is Texas Grace's purpose to ensure that a community as vital and deserving as Archer City be accorded its first local aural service. The provision of a first local service to Archer City can be accomplished by reallocating KRZB's Channel 248C2 from Olney, Texas, which is KRZB's current community of license, to Archer City.

III. The Community of Olney, From Which Channel 248C2 Would Move to Accommodate Creation of a First Local Service at Archer City, as Referenced, is Guaranteed to Maintain Its Own Local Transmission Service Through Allocation of Replacement Channel 270C2 at Olney; Moreover, There Would be No Interruption of Existing Service to Olney as a Result of the Rulemaking.

Although Archer City has an overwhelming need for a local transmission service, Olney, Texas is very much entitled to, and must maintain, an aural service. However, the reallocation of Channel 248C2 from Olney to Archer City need not, and should not, result in Olney's loss of its transmission service. To avoid this from happening, Texas Grace hereby requests that Channel 270C2 be allocated to Olney as a replacement for the reallocated Channel 248C2. Replacement Channel 270C2 service at Olney, as proposed, ensures that Olney will sustain no

withdrawal of local service and, in fact, will maintain a level of FM service equivalent to that being reallocated.

Because the current KRZB facility has not yet been constructed, there would be absolutely no interruption of service to the community of Olney resulting from the preferential arrangement of allotments proposed herein.

IV. The Reallocation of Channel 248C2 From Olney to Archer City and the Allocation of Channel 270C2 to Olney Can be Accomplished in Full Compliance With the Commission's Engineering Criteria.

To ensure that its proposal adheres to the Commission's engineering requirements, Texas Grace commissioned Wheeler Broadcast Consulting to perform an engineering study, which is attached hereto. The study confirms that Channel 248C2 can be reallocated to Archer City, as its first local aural service, in complete compliance with the Commission's separations criteria and with no site restriction. It further confirms that Channel 270C2 can be allocated as a replacement channel at Olney, with the utilization of only a slight 5 kilometer west site restriction, to protect first adjacent Station KIKM-FM (formerly KDVE-FM) at Denison, Texas.

V. Texas Grace's Proposal Would Result in Substantial Additional Reception Service.

As is explained in the attached Engineering Statement, a facility operating on Channel 248C2 from the reference coordinates for Archer City would serve substantially more people than would be served by

KRZB from its construction permit facilities at Olney. The Channel 248C2 KRZB construction permit facilities at Olney would provide service to 23,544 persons. By contrast, the Channel 248C2 facilities at Archer City would provide service to a population of 134,103 persons - - an increase of nearly 470%.

The proposed replacement facilities operating on Channel 270C2 at Olney would completely encompass the predicted coverage of the current KRZB construction permit facilities. Engineering Exhibit 5 clearly demonstrates that all persons or areas that would have received service from the KRZB construction permit facilities at Olney would similarly receive such service from the replacement Channel 270C2 reference site. In fact, depending upon the actual facilities built, an additional 7,037 persons could potentially be served from the replacement Channel 270C2 reference site.

VI. There is No Risk of Any Creation or Perpetuation of an Unserved, or Underserved, Area as a Result of the Texas Grace Proposal.

Because it is possible that the facilities actually constructed on Channel 270C2 at Olney theoretically could be at a location other than the reference coordinates, a "White" and "Gray" area study was performed to determine whether the predicted 60 dBu contour of the present KRZB CP facilities might encompass an unserved, or underserved, area that would no longer receive service from the proposed replacement Channel 270C2 facilities at Olney. That study, which is

included in the attached Engineering Statement, reveals that no area contained within the 60 dBu contour of the KRZB construction permit facilities is served by less than 7 aural services. Thus, there is no risk that the reallocation of Channel 270C2 to Archer City would result in the creation, or perpetuation, of an unserved or underserved area.

VII. Archer City, For Which Texas Grace Intends to Provide a First Local Service, is Separate and Distinct From, and Not Interdependent With, Any Urbanized Area.

As can be seen in Exhibit 7 to the attached Engineering Statement, the nearest urbanized area within proximity of Archer City is the Wichita Falls urbanized area. This Exhibit clearly demonstrates that this urbanized area sits nearly exclusively in Wichita County, Texas<sup>5</sup> and comprises only a trace of land in Archer County. To determine whether the proximity of this urbanized area, which, at its closest point, is approximately 26 kilometers from Archer City, calls into question the independence of Archer City, Texas Grace's engineering consultant calculated the 70 dBu coverage that would be achieved over the Wichita Falls urbanized area by the proposed Archer City facilities. That study reveals that only 43.54% of the Wichita Falls urbanized area would be encompassed within the 70 dBu contour of the proposed Archer City facilities. As a result, there is no need to make a showing that Archer

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<sup>5</sup> Less than one-half square kilometer of the Wichita Falls urbanized area extends into Archer County.

City is not interdependent with Wichita Falls. See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352, 10354 (1995).<sup>6</sup>

VIII. Reallocation of Channel 248C2 From Olney to Archer City, and Allocation of Channel 270C2 to Olney, Would Result in a Superior Arrangement of Allotments.

The instant proposal thus provides an arrangement of allotments that is superior to the current situation. As the Commission explained in *Revision of FM Assignment Policies and Procedures*, the FM allotment priorities are:

- (1) first full-time aural service;
- (2) second full-time aural service;
- (3) first local service; and
- (4) other public interest matters

[with co-equal weight being given to priorities (2) and (3)]<sup>7</sup>.

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<sup>6</sup> In *Headland, Alabama and Chattahoochee, Florida*, the Commission held that petitioners would not be required to make a showing that a community is not interdependent with a nearby larger community if the proposed facility would cover less than fifty percent of the larger community's urbanized area. Even if a *Headland* analysis were required in the present case, Texas Grace could demonstrate that Archer City is completely independent from the Wichita Falls urbanized area. Archer City is independently governed and shares no local governing body with Wichita Falls. Archer City is the centrally-located County Seat of Archer County, which is separate and distinct from the Wichita Falls urbanized area. Telephone service to Archer City is provided by an independent telephone cooperative, the Brazos Telecommunications Corporation, as opposed to Southwestern Bell, which serves Wichita Falls. Brazos publishes its own telephone directory that includes the residential listings for Archer City, as well as other communities surrounding Archer City. Wichita Falls residential listings are not included in the Brazos directory. Archer City provides its own police protection, fire protection, water services, sewer services and library services independently of Wichita Falls. It educates its populace through its own independent school district.

<sup>7</sup> 90 FCC2d 88, 91 (1982).



Texas Grace's proposal would permit two communities, Archer City and Olney, to receive or retain first local service, thus serving priority (3). A proposal to provide local service to two or more communities is to be preferred to a situation wherein only one community receives first local service. See *Archilla - Marcocci Spanish Radio Company*, 104 FCC 2d 405, 408 (1986).

Moreover, the proposed Channel 248C2 facilities at Archer City would provide additional received service to a population of 134,100 persons, thus serving allocation priority (4). Balanced against such additional service is the fact that there would be no loss of service as a result of the adoption of the Texas Grace proposal.

Texas Grace notes that, while they are both relatively small communities of under 5,000 people, Olney's population (sourced in the 1990 Census at 3,519, and by the Texas Department of Transportation in 1997 at 3,411) is a little larger than that of Archer City (sourced at 1,748 in the 1990 Census, and at 1,878 in 1997 by the Texas Department of Transportation). Nevertheless, this is not a situation calling for an assessment of which of the two communities is more deserving of local service. They *both* deserve service and it is the intent of this rulemaking proposal to assure that first local service is provided to both communities inasmuch as Texas Grace is proposing to provide local service to *both* communities. Under such circumstances, the proposal is clearly in the

public interest – particularly given Archer City's overwhelming need for local radio service.

Only recently, the Commission approved a similar plan wherein a channel was substituted for the community's only allocation so as to permit the creation of a first new local service in another community. See *Llano and Marble Falls, Texas*, (adopted May 14, 1997; released May 30, 1997). In that case, Class C3 service was reallocated from Llano, Texas, to Marble Falls, Texas, and a new Class A channel was allocated to Llano to serve as that community's sole local channel. In the rulemaking proposed herein, Texas Grace would replace the C2 channel being reallocated from Olney to Archer City with another C2 channel for which Texas Grace would apply. Thus, the Texas Grace proposal yields an even more favorable arrangement of allotments than that approved by the Commission in *Llano and Marble Falls, Texas*.

IX. Texas Grace Will Apply for and Construct the Requested Facilities.

Texas Grace hereby commits that, if Channel 248C2 is allocated to Archer City, it will apply for modified facilities for KRZB so as to permit the construction of a station operating on Channel 248C2 at Archer City and will promptly build those facilities upon grant of the application. Similarly, if Channel 270C2 is allocated to Olney, Texas Grace will apply for new facilities to operate on Channel 270C2 at Olney and will promptly construct those facilities upon grant of the application.

Conclusion

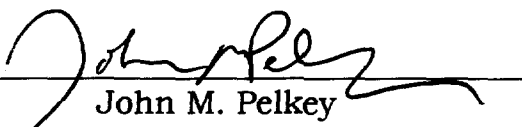
For the reasons stated above, the public interest would be served by the reallocation of Channel 248C2 from Olney, Texas to Archer City, Texas and the allotment of Channel 270C2 to Olney. Accordingly, Texas Grace respectfully requests that the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:

Community	Present	Proposed
Archer City, TX	-----	248C2
Olney, TX	248C2	270C2

Texas Grace also requests that the construction permit of KRZB be modified to specify Archer City as the station's community of license.

Respectfully submitted,

Texas Grace Communications

By:   
John M. Pelkey  
Its Attorney

HALEY BADER & POTTS P.L.C.  
Suite 900  
4350 North Fairfax Drive  
Arlington, VA 22203-1633  
703/841-0606  
Date: August 7, 1997

## gton Family tes Headstone

by the family of Will-  
Bud" and Henrietta  
n held a reunion.  
re 70 persons in at-  
in Graham.

and Henrietta were  
ers of Archer County  
ported that a picture  
long with two other  
tlers hangs in the

ttending represented  
O. and Henrietta's  
James Albert. Arvel,  
llie and Morton. The  
attendance was  
ifford Covington (85),  
ies Albert. The young-

Klayton Daniel  
great-great-grandson  
Scott.

and Lena (Goodin)  
were the couple that  
married the longest.  
Lena is the daughter  
Shirley Mortenson,  
ghter of Arvell trav-  
arthest, from Seattle  
on to the reunion.

nerations of the fam-  
ton Scott Covington  
resented by Lucille  
L Shirley, his daugh-  
shirley Slaughter, his  
ughter, Rhonda



Grandchildren of W. O. and  
Henrietta Covington who at-  
tended the June 28th dedica-  
tion. Pictured L to R: Front Row  
Lena Mosberger, Lucille  
Shirley. Back Row - Vern  
Covington, Glen Covington, Cliff  
Covington, W. O. "Dub"  
Covington, Frank Covington.

Slaughter Colgrove, his great  
grand daughter and Klayton  
Daniel Colgrove, his great-great  
grandson.

On the afternoon of June 28,  
40 members of the family trav-  
eled to Archer City to the Cem-  
etery to dedicate a headstone in  
W. O. and Henrietta's honor.

The family has located over  
300 descendants of William  
Oscar and Henrietta Covington  
with over 250 still living.

Nita Slaughter has ask that  
if anyone has any information  
to please contact her at 2915A  
Augusta Dr., Denton, TX  
76207.

## ography Screening In Two Locations

ia Regional Health  
Center's Mobile  
aphy Van will be pro-  
mmography screen-  
Archer County loca-  
erve local residents.

nday, July 7, the van  
the parking lot of the  
y Rural Health Clinic  
st Chestnut in Archer  
Wednesday, July 9,  
nvenience of women  
orst, the Windthorst  
Bank will be sponsor-

cancer is the leading cause of  
death in women and statistics  
show that one in eight women  
will get breast cancer. The best  
protection is still early detec-  
tion.

Screening criteria include  
women, age 35 and older, who  
are without symptoms and have  
not had breast surgery or a  
mammogram within the last 12  
months. These mammograms  
are available to the public for  
the complete cost of \$65.00 (in-  
cludes both the technical and



## Archer Chamber Of Commerce Newsletter

by Carlitta King

Just thought everyone would  
like to know what has been  
happening with the Chamber  
of Commerce in this past  
month.

Earlier this month we had a  
tour of 45 women from the Elks  
Lodge Convention out of Wichita  
Falls. They toured our Court  
House, Museum, Spur Hotel  
and Booked Up. They really  
seemed to enjoy themselves as  
they toured through the local  
merchants on the square. J &  
T's catered their meal at the  
Norwest Community Room.  
Everyone had a good time. Their  
hosts were Gary Beesinger and  
Darlene Schreiber.

We hope everyone went to the  
Archer County Rodeo. If you  
didn't, you really missed some-  
thing. As always, the Rodeo  
Association put on a fantastic  
show. All the events were spec-  
tacular and the clowns were a  
show by themselves. They did a  
great job of entertaining the  
crowd. The last night of the  
Rodeo, it was an honor and a  
privilege to meet and welcome  
the Three Star General and of-



Last week, we were wonder-  
ing where summer was; this  
week, I think we've found it!

Finally, a typical July pattern  
of upper level ridge, south to  
southwest winds, and lots of  
sunshine has come together to  
give some of us 100 degree

officials from the Italian Air Force.  
They even brought their own  
news crew from Italy. After the  
Rodeo they joined in at the  
dance. They said they enjoyed  
themselves and appreciated all  
the hospitality from Archer City.

I would like to thank those  
who helped put together the  
Chamber of Commerce float this  
year. They were Kimbra York,  
Patricia Edge, Tom O'Neil and,  
of course, Mark Jentch, who  
provided the trailer and pulled  
the float. A special **THANK YOU**  
to the kids that rode on the  
float!

The Chamber has had many  
requests for deer hunting  
leases. If anyone has a hunting  
lease, please call the Chamber  
office and list it with us. It  
would be greatly appreciated.

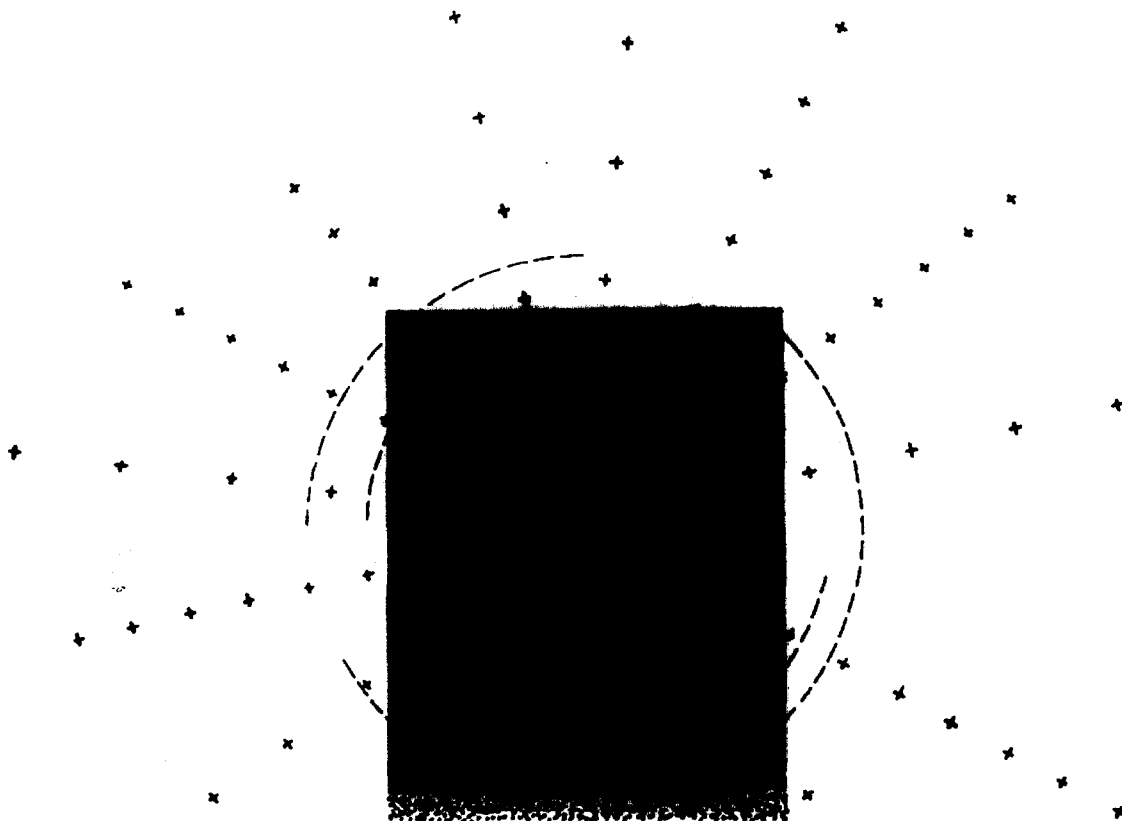
Also, we have had numerous  
requests for maps, women and  
minority producers or organi-  
zations, rental properties and  
community profile information.

I have spoken with Texas  
Grace Communications several  
times in the past week or so, in  
regards to them possibly put-  
ting in a radio station between  
Archer City and Lake Kickapoo.  
Everyone keep your fingers  
crossed and say a prayer that  
their license is approved. This  
would be a great asset for Ar-  
cher City.

For all those who missed it,  
the rebuilding of the Royal The-  
ater made the **FLASHES** sec-  
tion of Entertainment Weekly.

wise. Therefore, we might not  
make our quota of triple digits.  
Too bad!?

Whether or not we see 100  
degrees or 98 degrees, the heat  
can be quite dangerous, espe-  
cially if you're not prepared for  
it! If you must work outside,  
take plenty of breaks in an air  
conditioned environment.  
Drink plenty of water. NOT al-



WHEELER  
**BROADCAST**  
CONSULTING

***Texas Grace Communications***

**Petition for Rule Making**

**Rule Making to:**

**Amend 47 CFR 73.202 (b)**

**Channel 248 C2 - Archer City, TX  
Channel 270 C2 - Olney, TX**

**August - 1997**



# WHEELER BROADCAST CONSULTING

## ***Engineering Statement***

**Proposed Change in Community of License  
KRZB - Olney, TX to Archer City, TX**

This consultant has been retained by Texas Grace Communications (Texas Grace) for the purpose of preparing technical support to a proposed change in the community of license for KRZB. Texas Grace holds a construction permit, BPH-960201MB, for the Channel 248 C2 facilities at Olney, TX and herein proposes to amend 47 CFR 73.202(b) to substitute Channel 248 C2 at Archer City, Texas for Channel 248 C2 at Olney, Texas and add Channel 270 C2 at Olney, TX.

### **Allocation Considerations**

#### ***Channel 248 C2 - Archer City, TX***

A full search of the Commission's August 4, 1997 FM database reveals that Channel 248 C2 can be allocated to Archer City, TX<sup>1</sup>, mutually exclusive with the KRZB construction permit, with no site restriction. Exhibit 1 of this report is a copy of that search that demonstrates that the proposed Archer City allocation would be in complete compliance with the minimum spacing provisions of 47 CFR 73.207. Contours were predicted for a standard, 50 kW at 150m HAAT, Class C2, facility at the allocation reference point and those contours were plotted on a digitally generated map that further details the corporate limits of Archer City, TX. A copy of that map is included in this report as Exhibit 2. As shown in Exhibit 2, the entire city of Archer City would receive a predicted signal well in excess of the 70 dBu minimum prescribed in 47 CFR 73.315 of the Rules.

6025 MARTINWAY  
SUITE 112  
MISSION, KS 66202  
913.362.7282  
913.362.7287

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<sup>1</sup> The coordinates of Archer City, TX are reported by the United States Census Bureau as 33° 35' 36" N by 98° 37' 31" W.

**Channel 270 C2 - Olney, TX**

As Channel 248 C2 is the only FM channel allocated to Olney, TX, Grace Communications desires to ensure local service at Olney by requesting the allocation of Channel 270 C2 to that community. Exhibit 3 of this report is a search of the Commission's August 4, 1997 FM database that reveals that Channel 270 C2 can be allocated to Olney, TX with the imposition of a slight, 5.0 km West, site restriction<sup>2</sup> so as to protect the first adjacent, Class C1, application of KDVE-FM in Denison - Sherman, TX. Exhibit 3 indicates that the proposed Channel 270 C2, Olney, allocation would be 46.23 km short spaced to the Class A construction permit facilities of KJKB in Jacksboro, TX. KJKB, however, has been ordered to Channel 299A per the order in Docket 96-10. The 60 dBu and 70 dBu contours of a standard, 50 kW at 150 m HAAT, Class C2 facility were predicted and plotted on a digitally generated map along with the corporate boundaries of Olney, TX. A copy of that map is included in this report as Exhibit 4. As shown in Exhibit 4, the entire city of Olney, TX would receive a predicted, F(50,50) signal in excess of 70 dBu.

**Archer City, Texas**

Archer City, Texas is the county seat of Archer County. Archer City is a growing community with a population of 1,748 persons according to the 1990 US Census<sup>3</sup>. Archer City has its own, independent, Mayor and City Council form of municipal government. Archer City further has a post office and its own, unique, Zip Code (76351). Archer City maintains a police department, a volunteer fire department, and provides its citizens with numerous other services including a municipal water and sewer department, and a public library. Educational needs in Archer City are provided by the Archer City Independent School District and economic development of Archer City is fostered by the Archer City Chamber of Commerce.

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<sup>2</sup> The coordinates of the proposed Channel 270 C2 Olney, TX substitution are 33° 21' 39" N by 98° 48' 42" W.

<sup>3</sup> 1995 population estimates indicate that the population of Archer City has continued to grow to 1,808 persons.

### **Comparative Service**

The Channel 248 C2, KRZB, construction permit facilities at Olney, Texas would provide service to 23,544 persons according to the 1990 US Census. The Channel 248 C2 reference facilities at Archer City, Texas, in contrast, would provide service to a population of 134,103 persons; an increase of nearly 470%. The reference facilities for proposed channel 270 C2 substitute channel at Olney would serve 30,581 persons and would completely encompass the KRZB construction permit facilities. No person or area would lose service as a result of the allocation change. Exhibit 5 of this report is a digitally generated map that depicts the 60 dBu contours of the proposed Archer City reference facilities, as shown in green, the construction permit facilities of KRZB, as shown in red, and the proposed Channel 270 C2, Olney, reference facilities as shown in blue.

### **White and Gray Area Study**

Texas Grace proposes to replace the Channel 248 C2 service at Olney with Channel 270 C2 and, as shown in Exhibit 5, the Channel 270 C2 substitute will completely encompass the existing KRZB CP facilities. As a result, based on the allocation facilities, no area or person would lose service as a result of the substitution. From Exhibit 5 it is noted that the Channel 270 C2 facility nearly intersects with the KRZB CP facilities and, inasmuch as the actual channel 270 C2 facility could differ from the allocation facility, a white area study was performed so as to determine if any white area, that would be served by KRZB, would no longer receive an aural service. A gray area study was also performed so as to assure no underserved areas exist within the KRZB CP service area. For the purpose of the study a 100 km search of the Commission's FM database was performed as well as a 175 km search for the Commission's AM database. From those searches the 60 dBu (FM) and 2 mV/m<sup>4</sup> (AM) contours of all listed stations were plotted to see if the contours intersected with the 60 dBu contour of the KRZB CP facilities. In all, an additional 18 licensed facilities were found to intersect with KRZB and no area was found to be without service in the absence of the KRZB CP facilities.

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<sup>4</sup> Although the bulk of the area served by the KRZB CP facilities consists of rural areas and cities with populations of less than 2,500 persons, the more stringent 2 mV/m primary service contour definition was used for the purposes of the white area study. Gray area determinations were based on 60 dBu FM contours and 0.5 mV/m AM contours. See 47 CFR 73.182 (d).



A copy of a digitally generated map showing the 60 dBu contour of the KRZB CP facilities and the primary service contours of the additional 18 broadcast facilities is included in this report as Exhibit 6. When the 0.5 mV/m AM contours are considered, no area contained within the 60 dBu contour of BPH-960201MB is served by less than 7 aural services.

### **Urbanized Areas**

The proposed Archer City allocation is, at its nearest point, 26.3 km distant from the Wichita Falls urbanized area. So as to determine the impact of the proposed allocation on the urbanized area the boundaries of the defined area were transferred from the map provided by United States Census Bureau, Exhibit 7, to a 1:500,000 digitally generated map which draws data from the Delorme Map Expert data set. The predicted 70 dBu contour of the proposed Archer City allocation was then overlaid onto the map to determine what portion the Wichita Falls urbanized area would be encompassed by that contour. A copy of the map is included in this report as Exhibit 8. So as to increase the accuracy of area measurements, a second, 1:125,000 scale, Delorme map was created and the relevant portion of the Channel 248 C2, Archer City, 70 dBu contour was overlaid. A copy of the detail map is included in this report as Exhibit 9. From Exhibit 9 the portion of the Wichita Falls urbanized area encompassed by the predicted 70 dBu contour of the Archer City reference facility was measured with a K & E, model 620000, polar planimeter and the measurements reveal that only 43.54% of the urbanized area is impacted by the 70 dBu contour. No other urbanized area is touched by the predicted 70 dBu contour of the proposed Archer City allocation.

### **Archer City is an Independent Community**

Archer City is completely independent from the Wichita Falls urbanized area. Archer City is independently governed and shares no local governing body with Wichita Falls<sup>5</sup>. Archer City telephone service is provided by an independent telephone cooperative, Brazos Telecommunications Corporation. Brazos publishes its own telephone directory that includes Archer City as well as other communities surrounding Archer City.

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<sup>5</sup> A very small portion, approximately 0.4 km<sup>2</sup>, of the Wichita Falls urbanized area lies in Archer County and that area would be subject to Archer County zoning and planning.